

**Commonwealth of Kentucky
Environmental and Public Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382**

Draft

**AIR QUALITY PERMIT
Issued under 401 KAR 52:030**

Permittee Name: CC Metals and Alloys, LLC
Mailing Address: P.O. Box 217, Calvert City, KY 42029

Source Name: CC Metals and Alloys, LLC
Mailing Address: 1542 North Main Street
Calvert City, KY 42029

Source Location: Highway 95, 1542 North Main Street

Permit ID: F-07-024
Agency Interest: 2930
Activity ID: APE20060002
Review Type: Conditional Major, Operating
Source ID: 21-157-00002

Regional Office: Paducah Regional Office
130 Eagle Nest Drive
Paducah, KY 42003
(270) 898-8468

County: Marshall

Application
Complete Date: January 8, 2007
Issuance Date:
Revision Date:
Expiration Date:

**John S. Lyons, Director
Division for Air Quality**

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Rev #	Permit type	Log or Activity #	Complete Date	Issuance Date	Summary of Action
----	Initial Issuance	2930	01/08/07	TBD	Initial Conditional Major Operating Permit

SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated Pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first submitting a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:030, Federally-enforceable permits for non-major sources.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**FURNACE OPERATIONS****EP 002**

Description:

Furnace #6

Ferroalloys and metal submerged electric arc furnace (EAF) #6, including associated tapping and ladling operations and stirring operations in which alloys are added

Construction Date:

1972

Rated Capacity:

3.42 tons/hr

Power Input Rating:

17 megawatts (approximate)

Control Device:

Furnace #6 Baghouse

Manufacturer:

Carborundum

Construction Date:

1976

EP 010

Description:

Furnace #15

Ferroalloys and metal submerged EAF #15, including associated tapping and ladling operations and stirring operations in which alloys are added

Construction Date:

1965

Rated Capacity:

8.56 tons/hr

Power Input Rating:

37 megawatts (approximate)

Control Device:

Furnace #15/16 Baghouse

Manufacturer:

Carborundum

Construction Date:

1977

EP 011

Description:

Furnace #16

Ferroalloys and metal submerged EAF #16, including associated tapping and ladling operations and stirring operations in which alloys are added

Construction Date:

1965

Rated Capacity:

8.56 tons/hr

Power Input Rating:

37 megawatts (approximate)

Control Device:

Furnace #15/16 Baghouse

Manufacturer:

Carborundum

Construction Date:

1977

APPLICABLE REGULATIONS:

401 KAR 61:005, *General Provisions*, applies to any existing source for which a standard of performance has been promulgated under chapter 61.

401 KAR 61:070, *Existing Ferroalloy Production Facilities*, is applicable to submerged electric arc furnaces which produce silicon metal, ferrosilicon, calcium silicon, silicomanganese, zirconium, ferrochrome silicon, silvery iron, high-carbon ferrochrome, charge chrome, standard ferromanganese, silicomanganese, ferromanganese silicon, or calcium carbide; and dust-handling equipment.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**NON-APPLICABLE REGULATIONS:**

401 KAR 61:020, *Existing Process Operations*, applies to process operations which are not subject to another particulate emission standard in this chapter and does not apply to the furnaces as the furnaces are subject to 401 KAR 61:070.

401 KAR 63:002, Sections 2 and 3(1)(iii), which incorporates by reference 40 CFR 63.1650-63.1661 (Subpart XXX), *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Ferroalloys Production: Ferromanganese and Silicomanganese*, applies to all new and existing ferromanganese and silicomanganese production facilities that manufacture ferromanganese or silicomanganese. This regulation does not apply as the source does not manufacture silicon metal, ferromanganese and silicomanganese, and this is not a major source of hazardous air pollutants as defined at 40 CFR 63.2.

40 CFR 60 Subpart Z, *Standards of Performance for Ferroalloy Production Facilities*, is not applicable because the furnaces were constructed before October 21, 1974 and no modification approval has been issued for these units.

1. Operating Limitations:

- a. The permittee shall limit the furnace production at EP 002, 010 and 011 such that the permittee is in compliance with the emission limitations specified at **2.c Emission Limitations**.
- b. At no time shall the permittee conduct submerged EAF operations unless furnace pollution control equipment is properly maintained and operated according to manufacturer's specifications and good engineering practices.
- c. Each submerged EAF, tapping station and stirring station shall be equipped with a canopy hood for collection of process emissions, and such hood shall be properly maintained and operated at all times with all captured emissions ducted to the specified respective submerged EAF baghouse.
- d. Also refer to **7. Specific Control Equipment Operating Conditions**.

2. Emission Limitations:

- a. Pursuant to 401 KAR 61:070, Section 3(1), the permittee shall not cause to be discharged to the atmosphere from any submerged EAF any gases which:
 - i. Exit from a control device and exhibit an opacity equal to or greater than three (3) percent where control device has dispersed discharge.
 - ii. Exit from any building opening and exhibit an opacity equal to or greater than:
 - A. Fifteen (15) percent for these gases which are the result of routine smelting/melting operations where no auxiliary operations will occur;
 - B. Twenty (20) percent for those gases which are from a furnace associated with metallurgical treatment while no auxiliary operations are occurring;
 - C. Twenty-five (25) percent for those gases which are the result of tapping operations;
 - D. Forty (40) percent for those gases which occur only during a metallurgical treatment; or
 - E. Forty (40) percent for those gases which occur during the pouring of metal from slag ladles into castbeds or molds.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- b. Pursuant to 401 KAR 61:070, Section 3(2), on and after the date on which the performance test required to be conducted by 401 KAR 61:005 is completed, the permittee shall not cause to be discharged into the atmosphere, from any dust-handling equipment used to handle particulate matter collected by the control devices, any gases which exhibit fifteen (15) percent opacity or greater.
- c. Refer to **Section D.3 Source Emission Limitations** for the source-wide particulate matter emission limitation.

Compliance Demonstration Method:

- a. For compliance with the opacity limits, refer to **3.b Testing Requirements, 4.b Specific Monitoring Requirements, 5. Specific Recordkeeping Requirements, and 6. Specific Reporting Requirements.**
- b. If an emissions unit at EP 002, 010 or 011 is in operation during any period of malfunction of the particulate control device, the permittee shall take necessary corrective actions in accordance with **5.d Specific Recordkeeping Requirements.**
- c. Refer to **Section D.3 Source Emission Limitations, Compliance Demonstration Method.**

3. Testing Requirements:

- a. Pursuant to 401 KAR 59:005, Section 2(2) and 401 KAR 50:045, Section 1, performance testing using the Reference Methods specified in 401 KAR 50:015 shall be conducted as required by the Division in the paragraphs below.
- b. Pursuant to 401 KAR 61:070, Section 4, the permittee shall use EPA Reference Method 9 in Appendix A of 40 CFR 60 to demonstrate compliance with the opacity limitations of **2.a and 2.b Emission Limitations**. The Division reserves the right to require testing pursuant to 401 KAR 61:005 Section 2(2) and 401 KAR 50:045.
- c. Within 180 days of the issuance of the final permit, the permittee shall perform stack testing to determine emissions of particulate matter (PM/PM10) during furnace operations while producing 75% FeSi. The sampling time shall be of sufficient length to include furnace charging, tapping and ladling and stirring operations. Testing shall be performed at the inlet and outlet of the control device to verify the control efficiency of the control device. Upon approval by the Division, the testing may be conducted on one representative furnace at the respective furnace baghouse outlet, with results applied to the other furnaces. The permittee shall utilize the verified particulate emission factor results when demonstrating compliance in accordance with **2.c Emission Limitations, Compliance Demonstration Method.**
- d. During the performance test conducted in accordance with paragraph 3.d above, the permittee shall determine the exhaust volumetric flow rates through each separately ducted hood of the capture systems for the furnaces and of the capture system for the tapping, ladling and stirring station operations. The permittee shall also establish the pressure drop range across the baghouse during the test. The permittee shall utilize the verified parametric data when demonstrating compliance in accordance with **7. Specific Control Equipment Operating Conditions.**

4. Specific Monitoring Requirements:

- a. The permittee shall monitor on a daily basis the amount and type of raw material

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- input to each furnace; the amount and type of alloy produced at each furnace; and the operating hours for each emissions unit.
- b. The permittee shall perform a qualitative visual observation of the opacity of emissions from each furnace stack/vent on a weekly basis and maintain a log of the observation. The log shall note:
 - i. whether any air emissions (except for water vapor) were visible from the vent/stack; and
 - ii. all emission points from which visible emissions occurred.-If visible emissions from the vents are seen, then the opacity shall be determined by Reference Method 9. If emissions are in excess of the applicable opacity limit, then an inspection shall be initiated of the process equipment and any control equipment for all necessary repairs.
 - c. The permittee shall install, calibrate and maintain according to manufacturers' specification, a monitoring device for the continuous measurement of the volumetric flow rate, through each separately ducted hood of the capture system for the furnace and the tapping, ladling and stirring station operations from EP 002, 010 and 011 on a weekly basis. The permittee may install the monitoring devices in any appropriate location in the exhaust duct such that reproducible flow rate monitoring will result.
 - d. The permittee shall install, calibrate and maintain according to manufacturers' specification, a monitoring device for the measurement of the pressure drop across each baghouse for EP 002, 010 and 011 at least every 4 hours, with the daily maximum and minimum values recorded.
 - e. Also refer to **7. Specific Control Equipment Operating Conditions.**

5. Specific Recordkeeping Requirements:

- a. The permittee shall maintain records of preventive maintenance and inspection of the particulate control devices in accordance with **7. Specific Control Equipment Operating Conditions.**
- b. The permittee shall maintain records of the total input, production and operating hours each day from each furnace at EP 002, 010 and 011.
- c. The permittee shall record the occurrence, duration, cause and any corrective action taken for each incident when an emission unit at EP 002, 010 or 011 is in operation and:
 - i. the respective volumetric flow rates of the capture system is below that established in the most recent performance test; or
 - ii. the respective pressure drop reading of the baghouse is outside the range established in the most recent performance test.
- d. The permittee shall record the occurrence, duration, cause and any corrective action taken for each incident when an emission unit at EP 002, 010 or 011 is in operation but the respective particulate control device is not.
- e. The permittee shall maintain records in accordance with **4. Specific Monitoring Requirements.**
- f. Refer to **Section D, Source Emission Limitations and Testing Requirements** for source wide recordkeeping requirements.
- g. All records shall be maintained in accordance with **Section F.2.**

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

6. Specific Reporting Requirements:

- a. The permittee shall report any exceedances or excursions from emission limitations or operating limitations in accordance with **Section F**.
- b. Refer to **Section D** for source wide reporting requirements and **Section F.5**.

7. Specific Control Equipment Operating Conditions:

- a. The permittee shall maintain the exhaust volumetric flow rates through each separately ducted hood of each capture system at or above the appropriate level determined for each capture system during the most recent stack test when compliance was demonstrated.
- b. The permittee shall maintain the pressure drop across each baghouse within the range established during the most recent stack test when compliance was demonstrated.
- c. Preventive maintenance shall be performed at least once per month for all particulate control devices, including the capture systems and duct work, in accordance with the manufacturers' recommendations.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**MATERIALS HANDLING****Crushing and Sizing Operations:****EP 015a and 015b****Two (2) Portable Crushers #1 and #2**

Description:

Crushing of FeSi alloys and slag material

Rated Capacity:

40 tons/hr ferroalloys and 20 tons/hr slag, total

EP 015a**Portable Crusher #1**

Model:

Cedar Rapids (diesel)

Burner Rating:

0.585 MMBtu/hr

Fuel Usage:

3 gallons/hr

Construction Date:

1969

Control Device:

Wet suppression

EP 015b**Portable Crusher #2**

Model:

Cone crusher (electric)

Construction Date:

1980

Control Device:

Wet suppression

EP 016**Grizzly Screens (8 Units)**

Description:

Screening of crushed ferroalloy products and slag

Rated Capacity:

40 tons/hr ferroalloys and 20 tons/hr slag, total

Construction Date:

1969

Control Device:

Wet suppression

EP 019**Crushing and Sizing Plant #1 and #3**

Description:

Plant #1 consists of two (2) feeders, one (1) jaw crusher, one (1) belt conveyor and one (1) screener; Plant #3 consists of one (1) stationary crusher and a double deck screen in an enclosed

building

Rated Capacity:

42 tons/hr ferroalloys, total

Construction Date:

1977

Control Device:

Crushing/Sizing Plant #1 and #3 Baghouse

Manufacturer:

Dustex

Construction Date:

1977

EP 020**Crushing and Sizing Plant #4 and #8**

Description:

Consists of six (6) feeders, four (4) crushers, one (1) screen and one (1) hopper in an enclosed building

Rated Capacity:

17.6 tons/hr ferroalloys, total

Construction Date:

1973

Control Device:

Crushing/Sizing Plant #4 and #8 Baghouse

Construction Date:

1977

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**EP 021****Crushing and Sizing Plant #6**

Description: Consists of one (1) grizzly feeder, four (4) crushers, three (3) screens, five (5) feeders and seven (7) belt conveyors in an enclosed building

Rated Capacity: 10.0 tons/hr ferroalloys, total

Construction Date: 1973

Control Device: Crushing/Sizing Plant #6 Baghouse 1

Construction Date: 1977

Control Device: Crushing/Sizing Plant #6 Baghouse 2

Construction Date: 1985

EP 025**Noduloy Crushing and Sizing Plant**

Description: Crushing and sizing of Noduloy from the stirring stations; consists of two (2) crushers, one (1) hopper, two (2) feeders, six (6) conveyors and one (1) screen in an enclosed building

Rated Capacity: 13.2 tons/hr Noduloy, total

Construction Date: 1986

Control Device: Noduloy Crushing/Sizing Plant venturi scrubber

Manufacturer: DeVansco

Scrubbing Liquid: Water

Construction Date: 1986

Stabilizer Operations:**EP 026****Stabilizer Drying**

Description: Stabilization and drying of sized 50% FeSi alloy and SiMn (for a tolling agreement)

Chemical Solution Makeup Rate: 120 gal/hr

Rated Capacity: 1.7 tons/hr

Construction Date: 1985

Burner Fuel: Natural gas

Burner Rated Capacity: 4.08 MMBtu/hr

Control Device: Cyclone

Construction Date: 1985

EP 027**Stabilizer Sizing**

Description: Crushing and sizing of 50% FeSi alloy; consists of two (2) conveyors, one (1) cage mill crusher and one (1) screener in an enclosed building

Rated Capacity: 1.7 tons/hr

Construction Date: 1985

Control Device: Baghouse

Construction Date: 1985

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**APPLICABLE REGULATIONS:**

401 KAR 59:010, *New Process Operations*, that commenced on or after July 2, 1975 applies to particulate matter (PM/PM₁₀) emissions and visible emissions from EP 015b, 019, 025, 026 and 027.

401 KAR 61:020, *Existing Process Operations*, that commenced before July 2, 1975 applies to PM/PM₁₀ emissions and visible emissions from EP 015a, 016, 020 and 021.

401 KAR 63:010, *Fugitive Emissions*, applies to each affected facility listed above.

1. Operating Limitations:

- a. The permittee shall limit the processing rates at EP 015a, 015b, 016, 019, 020, 021, 025, 026 and 027 such that the permittee is in compliance with the emission limitations specified at **2.g Emission Limitations**.
- b. Also refer to **7. Specific Control Equipment Operating Conditions**.

2. Emission Limitations:

- a. Pursuant to 401 KAR 59:010, Section 3(1), emissions shall not equal or exceed twenty (20) percent opacity from the control device or stack at EP 015b, 019, 025, 026 and 027.
- b. Pursuant to 401 KAR 61:020, Section 3(1), emissions shall not equal or exceed forty (40) percent opacity from the control device or stack at EP 015a, 016, 020 and 021.
- c. Pursuant to 401 KAR 59:010, Section 3(2), emissions of particulate matter (PM) from the control device or stack at EP 015b, 019, 025, 026 and 027 shall not exceed the allowable rate determined as follows:

For process rates up to 60,000 lb/hr: $E = 3.59P^{0.62}$

For process rates in excess of 60,000 lb/hr: $E = 17.31P^{0.16}$

Where E = rate of emissions in lb/hr, and
P = process weight in tons/hr

- d. Pursuant to 401 KAR 61:020, Section 3(2), emissions of particulate matter (PM) from the control device or stack at EP 015a, 016, 020 and 021 shall not exceed the allowable rate determined as follows:

For process rates up to 60,000 lb/hr: $E = 4.10P^{0.67}$

For process rates in excess of 60,000 lb/hr: $E = 55.0P^{0.11-40}$

Where E = rate of emissions in lb/hr, and
P = process weight in tons/hr

- e. Pursuant to 401 KAR 63:010, Section 3(2), the permittee shall not cause or permit the discharge of visible fugitive dust emissions beyond the lot line of the property on which the emissions originate.
- f. Pursuant to 401 KAR 63:010, Section 3(3), when dust, fumes, gases, mist, odorous

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

matter, vapors, or any combination thereof escape from a building or equipment in such a manner and amount as to cause a nuisance or to violate any administrative regulation, the secretary may order that the building or equipment in which processing, handling and storage are done be tightly closed and ventilated in such a way that all air and gases and air or gas-borne material leaving the building or equipment are treated by removal or destruction of air contaminants before discharge to the open air.

- g. Refer to **Section D.3 Source Emission Limitations** for the source-wide particulate matter limitation.

Compliance Demonstration Method:

- a. For compliance with the opacity limit, refer to **4.a Specific Monitoring Requirements**.
- b. To provide reasonable assurance that the particulate matter emission limitations are being met, the permittee shall monitor the amount of process weight processed by each emissions unit at the following emission points: 015a, 015b, 016, 019, 020, 021, 025, 026 and 027. The process weight rate shall be determined by using the tons of material processed by each emissions unit in a day divided by the total hours the unit operated that day. Average particulate emissions shall be calculated as follows:

$$\text{Emissions} = \text{PW} \times \text{PEF} \times (1 - \text{CE}/100)$$

Where: PW = process weight (tons/hr)
PEF = particulate emission factor (lb/ton process weight, based on the most recent stack test, material balance or other factor approved by the Division)
CE = control efficiency (%)

- c. In order to demonstrate compliance with 401 KAR 63:010, all air pollution control systems shall be maintained regularly in accordance with good engineering practices and the recommendations of the respective manufacturers. Daily observations are required in accordance with **4.c Specific Monitoring Requirements**. Also see **7. Specific Control Equipment Operating Conditions**.
- d. Refer to **Section D.3 Source Emission Limitations, Compliance Demonstration Method**.

3. Testing Requirements:

- a. Pursuant to 401 KAR 59:005, Section 2(2) and 401 KAR 50:045, Section 1, performance testing using the Reference Methods specified in 401 KAR 50:015 shall be conducted as required by the Division in the paragraphs below.
- b. Within 180 days of the issuance of the final permit, the permittee shall perform stack testing at the inlet and outlet of the respective control devices servicing the crushing and sizing plants to verify the control efficiencies. Upon approval by the Division, the testing may be conducted on one representative crushing and sizing plant at EP 019, 020 or 021, with results applied to the other crushing and sizing plants. The permittee shall utilize the verified control efficiencies when demonstrating compliance in accordance with **Emission Limitations, Compliance Demonstration**

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Method 2.b and 2.d.

4. Specific Monitoring Requirements:

- a. The permittee shall perform a qualitative visible observation of the opacity of emissions from each stack on a weekly basis and maintain a log of the observation. If visible emissions are seen, then the opacity shall be determined by EPA Reference Method 9. If Method 9 indicates emissions in excess of the standard, then an inspection shall be initiated for any necessary repairs. If a Method 9 test cannot be performed, the reason for not performing the test shall be documented.
- b. Also refer to **7. Specific Control Equipment Operating Conditions.**
- c. Qualitative visual observations shall be made daily during plant operation to determine if fugitive dust from the raw material handling equipment is being generated in such an amount or manner as to cause a nuisance or to cross the property line. If such a condition develops, water or another wetting agent shall be applied to suppress fugitive dust emissions so as to comply with the applicable requirements of 401 KAR 63:010 as listed above.
- d. The permittee shall install, calibrate and maintain according to manufacturers' specification, the following:
 - i. A monitoring device for the measurement of the pressure drop across each baghouse at EP 019, 020, 021 and 027 at least every 4 hours, with the daily maximum and minimum values recorded.
 - ii. A monitoring device for the measurement of the volumetric flowrate to the control device at EP 019, 020, 021 and 025 at least every 4 hours, with the daily maximum and minimum values recorded.
 - iii. A monitoring device for the measurement of the pressure drop and water flow rate through the scrubber at EP 025 at least every 4 hours, with the daily maximum and minimum values recorded.
 - iv. A monitoring device for the measurement of the air flow rate through the cyclone at EP 026 at least every 4 hours, with the daily maximum and minimum values recorded.

5. Specific Recordkeeping Requirements:

- a. The permittee shall maintain records in accordance with **4. Specific Monitoring Requirements.**
- b. The permittee shall maintain records of preventive maintenance and inspection of the particulate control devices in accordance with **7. Specific Control Equipment Operating Conditions.**
- c. The permittee shall maintain records of the total processing rate each day and the total hours of operation each day by each emissions unit at EP 015a, 015b, 016, 019, 020, 021, 025, 026, 027 and 028.
- d. The permittee shall record the occurrence, duration, cause and any corrective action taken for each incident when an emissions unit at 019, 020, 021, 025 and/or 026 is in operation but its respective particulate control device is not.
- e. Refer to **Section D, Source Emission Limitations and Testing Requirements** for source wide recordkeeping requirements.
- f. All records shall be maintained in accordance with **Section F.2.**

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

6. Specific Reporting Requirements:

Refer to **Section D** for source wide reporting requirements and **Section F.5**.

7. Specific Control Equipment Operating Conditions:

- a. The permittee shall maintain the pressure drop across each baghouse within the range recommended by the manufacturer or established during the most recent stack test.
- b. The permittee shall maintain the air flow rate through the cyclone at EP 026 within the range recommended by the manufacturer or established during the most recent stack test.
- c. The permittee shall maintain the pressure drop and water flow rate through the scrubber at EP 025 within the range recommended by the manufacturer or established during the most recent stack test.
- d. The particulate control devices shall be in operation at all times the emission units at EP 019, 020, 021, 025, 026 and/or 027 are in operation.
- e. Preventive maintenance shall be performed, for all particulate control devices, in accordance with the manufacturers' recommendations.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

EP 030

Haul Roads

Description:

Use of trucks for transport onsite on paved and unpaved roads

Control Device:

Wet suppression

APPLICABLE REGULATIONS:

401 KAR 63:010, *Fugitive Emissions*, applies to the affected facility listed above.

1. Operating Limitations:

The permittee shall limit the vehicle miles traveled for EP 030 such that the permittee is in compliance with the emission limitations specified at **2.f. Emission Limitations.**

2. Emission Limitations:

- a. Pursuant to 401 KAR 63:010, Section 3(1), the permittee shall not cause, suffer, or allow any material to be handled, processed, transported, or stored; a building or its appurtenances to be constructed, altered, repaired, or demolished, or a road to be used without taking reasonable precaution to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, when applicable, but not be limited to the following:
 - i. Application and maintenance of asphalt, oil, water, or suitable chemicals on roads, materials stockpiles, and other surfaces which can create airborne dusts;
 - ii. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials, or the use of water sprays or other measures to suppress the dust emissions during handling. Adequate containment methods shall be employed during sandblasting or other similar operations.
 - iii. Covering, at all times when in motion, open bodied trucks transporting materials likely to become airborne;
 - iv. The maintenance of paved roadways in a clean condition;
 - v. The prompt removal of earth or other material from a paved street which earth or other material has been transported thereto by trucking or earth moving equipment or erosion by water.
- b. Pursuant to 401 KAR 63:010, Section 3(2), the permittee shall not cause or permit the discharge of visible fugitive dust emissions beyond the lot line of the property on which the emissions originate.
- c. Pursuant to 401 KAR 63:010, Section 3(3), when dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof escape from a building or equipment in such a manner and amount as to cause a nuisance or to violate any administrative regulation, the Secretary may order that the building or equipment in which processing, handling and storage are done be tightly closed and ventilated in such a way that all air and gases and air or air-borne material leaving the building or equipment are treated by removal or destruction of air contaminants before discharge to the open air.
- d. Pursuant to 401 KAR 63:010, Section 4(1), open bodied trucks, operating outside company property, transporting materials likely to become airborne shall be covered at all times when in motion.
- e. Pursuant to 401 KAR 63:010, Section 4(4), no one shall allow earth or other material

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

being transported by truck or earth moving equipment to be deposited onto a paved street or roadway.

- f. Refer to **Section D.3 Source Emission Limitations** for the source-wide particulate matter emission limitation.

Compliance Demonstration Method:

- a. In order to demonstrate compliance with 401 KAR 63:010, the affected facility listed above shall be controlled with wet suppression, enclosures, and/or dust collection equipment.
- b. Refer to **Section D.3 Source Emission Limitations, Compliance Demonstration Method.**

3. Testing Requirements:

None

4. Specific Monitoring Requirements:

- a. The permittee shall monitor the time, date, and type of precaution taken to prevent particulate matter from becoming airborne.
- b. The permittee shall monitor and record the vehicle miles driven per day.
- c. See **Section F.2.**

5. Specific Recordkeeping Requirements:

- a. The permittee shall maintain records of the precautions taken to prevent fugitive dust.
- b. The permittee shall maintain records in accordance with **4.b. Specific Monitoring Requirements.**

6. Specific Reporting Requirements:

See **Section F.5, F.6, F.7 and F.8.**

7. Specific Control Equipment Operating Conditions:

- a. The control equipment (including but not limited to the use of hoods, enclosures, water truck, sweeper, water spray system and/or chemical suppression) shall be operated as necessary to maintain compliance with the **2. Emission Limitations** in accordance with manufacturer's specifications and/or standard engineering practices.
- b. Records regarding the maintenance of any control equipment shall be maintained.
- c. See **Section E** for further requirements.

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:030, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

<u>Description</u>	<u>Generally Applicable Regulation</u>
1. Gas storage tank (1,000 gal)	NA
2. Diesel fuel storage tank (10,000 gal)	NA
3. Lab fume hoods – Four	NA
4. Emergency generator, 3.43 MMBtu/hr, (<500 hrs/yr), installed prior to July 11, 2005	NA
5. Product storage - natural gas usage	NA
6. EP 023, Furnace #6 cast beds, 3.42 tons/hr, constructed in 1972	401 KAR 61:020
7. EP 023a, Noduloy cast beds, 2.85 tons/hr, constructed in 1980, ducted to Furnace #6 baghouse	401 KAR 59:010
8. EP 023b, Furnace #15 - #16 cast beds, 17.12 tons/hr, constructed in 1965	401 KAR 61:020
9. EP 028, Metal pile drying - natural gas usage, 3.62 MMBtu/hr, 5 tons/hr dried ferroalloys, constructed in 1976	NA
10. EP 029, Fume dust loading to storage silos (3 buildings)	401 KAR 63:010
11. EP 031, NW Plant loading, unloading and pile storage of coal, coke, woodchip, misc. metal and scrap and gravel	401 KAR 63:010
12. EP 032, Mid Plant loading, unloading and pile storage of coal, coke, woodchip, misc. metal and scrap and gravel	401 KAR 63:010
13. EP 033, Source-wide conveying of coal, coke, woodchip, iron scrap and gravel	401 KAR 63:010
14. EP 034, Ladle Preheat, natural gas usage, 4.14 MMBtu/hr	NA
15. EP 035, Ladle Maintenance, natural gas usage, 4.14 MMBtu/hr	NA
16. EP 036, 10 Portable space heaters, <1 MMBtu/hr/unit	NA

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing FESOP Permits* incorporated by reference in 401 KAR 52:030, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any consecutive 365 days.
2. Particulate Matter and Particulate Matter less than ten (10) microns (PM10) emissions, measured by applicable reference methods, or an equivalent or alternative method specified in 40 C.F.R. Chapter I, or by a test method specified in the state implementation plan shall not exceed the respective limitations specified herein.
3. **Source Emission Limitations:**
 - a. To preclude the applicability of 401 KAR 52:020, *Title V Permits*, total annual source-wide emissions of particulate matter (PM/PM10), including emissions of insignificant activities, shall not exceed 99 tons per year.
 - b. Pursuant to 401 KAR 63:020, no owner or operator shall allow any affected facility to emit potentially hazardous matter or toxic substances in such quantities or duration as to be harmful to the health and welfare of humans, animals and plants.

Compliance Demonstration Method:

- a. Compliance with the source wide emission limitations shall be demonstrated by calculating the annual source-wide emissions for each day of the previous 365-day period. The daily compliance demonstration shall include, at a minimum, the following:
 - i. The daily and consecutive 365-day throughput of each fuel and/or product at each emission unit specified in paragraph (ii) below.
 - ii. The daily and consecutive 365-day emission rates of PM/PM10 from the following emission units:

EP 002	Furnace #6
EP 010	Furnace #15
EP 011	Furnace #16
EP 015a and 015b	Two (2) Portable Crushers #1 and #2
EP 016	Grizzly Screens (8 Units)
EP 019	Crushing and Sizing Plant #1 and #3
EP 020	Crushing and Sizing Plant #4 and #8
EP 021	Crushing and Sizing Plant #6
EP 025	Noduloy Crushing and Sizing Plant
EP 026	Stabilizer Drying
EP 027	Stabilizer Sizing
EP 028	Metal Pile Drying
EP 030	Haul Roads
EP 023	Furnace #6 Cast Beds

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

EP 023a	Noduloy Cast Beds
EP 023b	Furnace #15 - #16 Cast Beds
EP 028	Metal pile drying
EP 029	Fume dust loading to storage silos (3 buildings)
EP 031	NW Plant loading, unloading and pile storage of coal, coke, woodchip, misc. metal and scrap and gravel
EP 032	Mid Plant loading, unloading and pile storage of coal, coke, woodchip, misc. metal and scrap and gravel
EP 033	Source-wide Conveying of coal, coke, woodchip, iron scrap and gravel
EP 034	Ladle preheat
EP 035	Ladle maintenance
EP 036	10 Portable space heaters
--	Gas storage tank
--	Diesel fuel storage tank
--	Lab fume hoods - four
--	Emergency generator
--	Product storage

The emissions of PM/PM10 shall be determined from the equation below, and then such shall be summed to determine total emissions of PM/PM10 for the day and consecutive 365-days:

$$\text{Emissions} = \text{PW} \times \text{EF} \times (1 - \text{CE}/100)$$

Where: PW = process weight (tons/hr)
EF = emission factor (lb/ton process weight, based on the most recent stack test, AP-42 emission factor, material balance or other factor approved by the Division)
CE = control efficiency (%)

4. Source Recordkeeping Requirements:

- a. Actual emissions of PM/PM10 shall be determined and recorded on a daily and consecutive 365-day basis in accordance with **3. Source Emission Limitations, Compliance Demonstration Method.**
- b. The permittee shall maintain records of the total input, production and operating hours each day from each furnace at EP 002, 010 and 011, the total processing rate and operating hours each day by each emissions unit at EP 015a, 015b, 016, 019, 020, 021, 025, 026, 027 and 028, and the vehicle miles driven per day.
- c. See **6. Specific Control Equipment Operating Conditions.**

5. Source Reporting Requirements:

The permittee shall report to the Division in accordance with **Section F** the daily and consecutive 365-day totals of PM/PM10 emitted from the source and the input, production and fuel usage rates.

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

6. Specific Control Equipment Operating Conditions:

- a. The control devices at EP 002, 010, 011, 019, 020, 021, 025 and 026 shall be in operation at all times the emission units exhausting to these devices are operating.
- b. Preventive maintenance shall be performed, for all control devices, in accordance with the manufacturers' recommendations.
- c. The permittee shall maintain the pressure drop across each baghouse at EP 002, 010, 011, 019, 020 and 021 within the range recommended by the manufacturer or established during the most recent stack test.
- d. The permittee shall maintain the air flow rate through the cyclone at EP 026 within the range recommended by the manufacturer or established during the most recent stack test.
- e. The permittee shall maintain the pressure drop and water flow rate through the scrubber at EP 025 within the range recommended by the manufacturer or established during the most recent stack test.

SECTION E – SOURCE CONTROL EQUIPMENT REQUIREMENTS

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b-IV-1 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place (as defined in this permit), and time of sampling or measurements;
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [401 KAR 52:030 Section 3(1)(f)1a and Section 1a-7 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
3. In accordance with the requirements of 401 KAR 52:030 Section 3(1)f the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
 - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
 - b. To access and copy any records required by the permit;
 - c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Sections 1b-V-1 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26].

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:030 Section 22. If continuous emission and opacity monitors are required by regulation or this permit, data shall be reported in accordance with the requirements of 401 KAR 59:005, General Provisions, Section 3(3). All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
 - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall be submitted in writing upon request.
8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7 above) to the Regional Office listed on the front of this permit within 30 days. Deviations from permit requirements, including those previously reported under F.7 above, shall be included in the semiannual report required by F.6 [Sections 1b-V, 3 and 4 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
9. Pursuant to 401 KAR 52:030, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit in accordance with the following requirements:
 - a. Identification of each term or condition;
 - b. Compliance status of each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent;
 - d. The method used for determining the compliance status for the source, currently and over the reporting period.
 - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.
 - f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications shall be mailed to the following addresses:

Division for Air Quality
Paducah Regional Office
130 Eagle Nest Drive
Paducah, KY 42003-9435

Division for Air Quality
Central Files
803 Schenkel Lane
Frankfort, KY 40601

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

10. In accordance with 401KAR 52:030, Section 3(1)(d), the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee. If a KYEIS emission survey is not mailed to the permittee, then the permittee shall comply with all other emission reporting requirements in this permit.
11. The Cabinet may authorize the temporary use of an emission unit to replace a similar unit that is taken off-line for maintenance, if the following conditions are met:
 - a. The owner or operator shall submit to the Cabinet, at least ten (10) days in advance of replacing a unit, the appropriate Forms DEP7007AI to DD that show:
 - (1) The size and location of both the original and replacement units; and
 - (2) Any resulting change in emissions;
 - b. The potential to emit (PTE) of the replacement unit shall not exceed that of the original unit by more than twenty-five (25) percent of a major source threshold, and the emissions from the unit shall not cause the source to exceed the emissions allowable under the permit;
 - c. The PTE of the replacement unit or the resulting PTE of the source shall not subject the source to a new applicable requirement;
 - d. The replacement unit shall comply with all applicable requirements; and
 - e. The source shall notify Regional office of all shutdowns and start-ups.
 - f. Within six (6) months after installing the replacement unit, the owner or operator shall:
 - (1) Re-install the original unit and remove or dismantle the replacement unit; or
 - (2) Submit an application to permit the replacement unit as a permanent change.

SECTION G - GENERAL PROVISIONS**1. General Compliance Requirements**

- a. The permittee shall comply with all conditions of this permit. A noncompliance shall be a violation of 401 KAR 52:030 Section 3(1)(b) and a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act). Noncompliance with this permit is grounds for enforcement action including but not limited to the termination, revocation and reissuance, revision, or denial of a permit [Section 1a-2 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- b. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a-5 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- c. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:030 Section 18. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - (1) If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:030 Section 12;
 - (2) The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - (3) The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

- d. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or to determine compliance with the conditions of this permit [Sections 1a- 6 and 7 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- e. Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the Division [401 KAR 52:030 Section 3(1)(c)].

SECTION G - GENERAL PROVISIONS (CONTINUED)

- f. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority [401 KAR 52:030 Section 7(1)].
- g. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a-11 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- h. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a-3 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- i. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens. [Section 1a-12-b of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- j. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038 Section 3(6) [Section 1a-9 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- k. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:030 Section 11(3)].
- l. This permit does not convey property rights or exclusive privileges [Section 1a-8 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- m. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Cabinet or any other federal, state, or local agency.
- n. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.
- o. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.

SECTION G - GENERAL PROVISIONS (CONTINUED)

- p. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic Minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.
- q. Pursuant to 401 KAR 52:030, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with:
 - (1) Applicable requirements that are included and specifically identified in this permit; and
 - (2) Non-applicable requirements expressly identified in this permit.

2. Permit Expiration and Reapplication Requirements

- a. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:030 Section 12].
- b. The authority to operate granted through this permit shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:030 Section 8(2)].

3. Permit Revisions

- a. Minor permit revision procedures specified in 401 KAR 52:030 Section 14(3) may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:030 Section 14(2).
- b. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

4. Construction, Start-Up, and Initial Compliance Demonstration Requirements

No construction authorized by this permit.

SECTION G - GENERAL PROVISIONS (CONTINUED)5. Testing Requirements

- a. Pursuant to 401 KAR 50:045 Section 2, a source required to conduct a performance test shall submit a completed Compliance Test Protocol form, DEP form 6028, or a test protocol a source has developed for submission to other regulatory agencies, in a format approved by the cabinet, to the Division's Frankfort Central Office a minimum of sixty (60) days prior to the scheduled test date. Pursuant to 401 KAR 50:045, Section 7, the Division shall be notified of the actual test date at least thirty (30) days prior to the test.
- b. Pursuant to 401 KAR 50:045 Section 5, in order to demonstrate that a source is capable of complying with a standard at all times, any required performance test shall be conducted under normal conditions that are representative of the source's operations and create the highest rate of emissions. If [When] the maximum production rate represents a source's highest emissions rate and a performance test is conducted at less than the maximum production rate, a source shall be limited to a production rate of no greater than 110 percent of the average production rate during the performance tests. If and when the facility is capable of operation at the rate specified in the application, the source may retest to demonstrate compliance at the new production rate. The Division for Air Quality may waive these requirements on a case-by-case basis if the source demonstrates to the Division's satisfaction that the source is in compliance with all applicable requirements.
- c. Results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days or sooner if required by an applicable standard, after the completion of the fieldwork.

6. Acid Rain Program Requirements

If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

7. Emergency Provisions

- a. Pursuant to 401 KAR 52:030 Section 23(1), an emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
 - (1) An emergency occurred and the permittee can identify the cause of the emergency;
 - (2) The permitted facility was at the time being properly operated;
 - (3) During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
 - (4) The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two (2) working days of the time when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken.

SECTION G - GENERAL PROVISIONS (CONTINUED)

- (5) Notification of the Division does not relieve the source of any other local, state or federal notification requirements.
 - b. Emergency conditions listed in General Provision G.7.a above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:030 Section 23(3)].
 - c. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:030 Section 23(2)].
8. Ozone depleting substances
- a. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - (1) Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - (2) Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - (3) Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - (4) Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
 - (5) Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - (6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
 - b. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.

9. Risk Management Provisions

- a. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center
P.O. Box 1515
Lanham-Seabrook, MD 20703-1515.

SECTION G - GENERAL PROVISIONS (CONTINUED)

- b. If requested, submit additional relevant information to the Division or the U.S. EPA.

SECTION H - ALTERNATE OPERATING SCENARIOS

None

SECTION I - COMPLIANCE SCHEDULE

None